

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 02-CD-266753	Date Filed 9-28-20

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT				
a. Name Local 28 Sheet Metal Workers		b. Union Representative to contact Eric Meslin		
c. Address (<i>Street, city, state, and ZIP code</i>) 500 Greenwich Street New York, NY 10013		d. Tel. No. 212-941-7700	e. Cell No. unknown	
		f. Fax No. 212-226-0304		
		g. e-mail emeslin@local28union.com		
h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) 8(b)(4)(d) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.				
2. Basis of the Charge (<i>set forth a clear and concise statement of the facts constituting the alleged unfair labor practices</i>) Local 580 Ironworkers and Local 28 Sheetmetal Workers are fighting over the jurisdiction of the work at NE Bronx YMCA located at 250 East 229th St., Bronx, NY 10466 claiming they each have jurisdiction to perform the work on the Wall Panels at the site. The Ironworkers claim they have the right to perform the work at the site. The Employer has a bargaining relationship with both parties and is told if the work is not awarded to the Sheet Metal Workers they will shut down the job in violation of the Act. The Employer is neutral and the Unions are unwilling to resolve the dispute so we are requesting 10(k) Relief.				
3. Name of Employer The Jobin Organization, Inc. c/o 35 Gilpin Avenue Hauppauge, NY 11788		4a. Tel. No. 631-694-2111	b. Cell No. 516-639-1813	c. Fax No. 631-694-2115
		d. e-mail jrc@jobin.biz		
5. Location of plant involved (<i>street, city, state and ZIP code</i>) NE Bronx YMCA 250 East 229th St Bronx, NY 10466		6. Employer representative to contact David Weissman, Esq. & Rachel King, Esq dweissman@eckertseamans.com rking@eckertseamans.com		
7. Type of establishment (<i>factory, mine, wholesaler, etc.</i>) Construction	8. Identify principal product or service Metal Wall Panels		9. Number of workers employed 150+	
10. Full name of party filing charge The Jobin Organization				
11. Address of party filing charge (<i>street, city, state and ZIP code</i>) 35 Gilpin Avenue Hauppauge, NY 11788		11a. Tel. No. (631) 694-2111	b. Cell No. (516) 639-1813	c. Fax No. (631) 694-2115
		d. e-mail jrc@jobin.biz		
12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.			Tel. No. 215-851-6623	
Rachel King, Esq.		Counsel for The Jobin Organization, Inc.		
<i>(signature of representative or person making charge)</i>		<i>(Print/type name and title or office, if any)</i>		
		Cell No. 202-422-0224		
		Fax No. 215-851-8883		
Address 50. S16th Street, Philadelphia, PA 19102		Date Sep 28, 2020		
		e-mail rking@eckertseamans.com		

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

**LOCAL 28 SHEET METAL WORKERS (THE
JOBIN ORGANIZATION, INC.)**

and

Case 02-CD-266753

THE JOBIN ORGANIZATIONS, INC. C/O

NOTICE OF CHARGE FILED

PLEASE TAKE NOTICE that the attached charge has been filed alleging that Local 28 Sheet Metal Workers has violated Section 8(b)(4)(~~violated Section 8(b)(4)(D)~~) of the National Labor Relations Act. The charge will be investigated by the Regional Office of Region 02. If after preliminary investigation, the Regional Director has reasonable cause to believe that complaint alleging a violation of Section 8(b)(4)(A), (B), or (C) should issue, the Region may seek injunctive relief as provided for in Section 10(l) of the Act.

Dated: September 29, 2020

John J. Walsh, Jr.
Regional Director
National Labor Relations Board
Region 02
26 Federal Plz Ste 3614
New York, NY 10278-3699



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
NLRB
Mobile App

September 29, 2020

Attn: Eric Meslin
Local 28 Sheet Metal Workers
500 Greenwich Street
New York, NY 10013

Re: Local 28 Sheet Metal Workers (The Jobin
Organization, Inc.)
Case No. 02-CD-266753

Dear Mr. Meslin:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney TANYA KHAN whose telephone number is (212)776-8620. If the Board agent is not available, you may contact Supervisory Field Attorney KAREN M. NEWMAN whose telephone number is (212)776-8631.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Walsh, Jr.", written in a cursive style.

JOHN J. WALSH, JR.
Regional Director

Enclosures

1. Copy of Charge
2. Notice of Charge Filed

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

**LOCAL 28 SHEET METAL WORKERS (THE
JOBIN ORGANIZATION, INC.)**

and

Case 02-CD-266753

THE JOBIN ORGANIZATIONS, INC. C/O

AFFIDAVIT OF SERVICE OF CHARGE AND NOTICE OF CHARGE FILED

I, D. Mahr the undersigned employee of the National Labor Relations Board, state under oath that on September 29, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Local 28 Sheet Metal Workers
Attn: Eric Meslin
500 Greenwich Street
New York, NY 10013

Rachel King, Esq.
50 South 16th Street
Philadelphia, PA 19102

The Jobin Organizations, Inc. c/o
35 Gilpin Avenue
Hauppauge, NY 11788

September 29, 2020

Date

D. Mahr, Designated Agent of NLRB

Name

/s/ D. Mahr

Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

**LOCAL 28 SHEET METAL WORKERS (THE
JOBIN ORGANIZATION, INC.)**

and

Case 02-CD-266753

THE JOBIN ORGANIZATIONS, INC. C/O

NOTICE OF CHARGE FILED

PLEASE TAKE NOTICE that the attached charge has been filed alleging that Local 28 Sheet Metal Workers has **violated Section 8(b)(4)**(violated Section 8(b)(4)(D)) of the National Labor Relations Act. The charge will be investigated by the Regional Office of Region 02. If after preliminary investigation, the Regional Director has reasonable cause to believe that complaint alleging a violation of Section 8(b)(4)(A), (B), or (C) should issue, the Region may seek injunctive relief as provided for in Section 10(l) of the Act.

Dated: September 29, 2020

John J. Walsh, Jr.
Regional Director
National Labor Relations Board
Region 02
26 Federal Plz Ste 3614
New York, NY 10278-3699



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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New York, NY 10278-3699

Agency Website: www.nlr.gov
Telephone: (212)264-0300
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NLRB
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September 29, 2020

The Jobin Organizations, Inc. c/o
35 Gilpin Avenue
Hauppauge, NY 11788

Re: Local 28 Sheet Metal Workers (The Jobin
Organization, Inc.)
Case No. 02-CD-266753

Dear Sir or Madam:

The charge that you filed in this case on September 28, 2020 has been docketed as case number 02-CD-266753. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney TANYA KHAN whose telephone number is (212)776-8620. If the Board agent is not available, you may contact Supervisory Field Attorney KAREN M. NEWMAN whose telephone number is (212)776-8631.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. We seek to resolve labor disputes promptly and, in cases such as the one you filed alleging a violation of Section 8(b)(4)(D) of the Act, **we expect you to provide your affidavit(s) and other evidence within 24 hours of filing the charge.** If you have not yet scheduled a date and time for the Board agent to take your affidavit, please immediately contact the Board agent to

schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



JOHN J. WALSH, JR.
Regional Director

Enclosures

1. Copy of Charge
2. Notice of Charge Filed
3. Commerce Questionnaire

cc: Rachel King, Esq.
50 South 16th Street
Philadelphia, PA 19102

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

02-CD-266753

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

 CORPORATION LLC LLP PARTNERSHIP SOLE PROPRIETORSHIP OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7. A. PRINCIPAL LOCATION:

B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): CALENDAR YR 12 MONTHS or FISCAL YR (FY dates)

YES NO

A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$

C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$

D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$

E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$

F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$

G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$

H. Gross Revenues from all sales or performance of services (Check the largest amount)
 \$100,000 \$250,000 \$500,000 \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date: _____

10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

 YES NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450

October 13, 2020

Eric Meslin
Local 28 Sheet Metal Workers
500 Greenwich Street
New York, NY 10013

Re: Local 28 Sheet Metal Workers (The Jobin
Organization, Inc.)
Case 02-CD-266753

Dear Mr. Meslin:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

John J. Walsh, Jr.

JOHN J. WALSH, JR.
Regional Director

cc: Rachel King, Esq.
50 South 16th Street
Philadelphia, PA 19102

The Jobin Organizations, Inc. c/o
35 Gilpin Avenue
Hauppauge, NY 11788